

MC/18/1855

Date Received: 20 June 2018

Location: 151 Bells Lane Hoo St Werburgh Rochester

Proposal: Construction of a terrace of three, 4 bedroom dwellings with associated refuse storage and off street car parking (Demolition of existing bungalow)

Applicant Mr M Yildiz

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Ward: Peninsula Ward

Case Officer: Robert Neave

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29th August 2018.**

**Recommendation - Approved subject to:**

A) The completion of a unilateral undertaking to secure a contribution of £239.61 per dwelling per dwelling towards appropriate mitigation measures related to bird disturbance within Special Protection Areas.

B) And the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 003 P1 received on 21 June 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to BNE2 of the Medway Local Plan 2003.

- 5 No dwelling herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space and garaging has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, B, C, E and F of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

The application seeks full planning permission for the construction of 3 terraced dwellings with associated parking.

The proposed dwellings would face onto Bells Lane, the properties would provide a hallway and w.c, kitchen/dining room, utility and lounge at ground floor; two single bedrooms, one double bedroom (with en suite), a store and bathroom at first floor and at second floor (within the roofspace) one double bedroom and shower room. Each dwelling would benefit from off-street parking spaces to the front of the property as well private gardens and landscaping.

The properties individually would measure approx. 5.2m in width, approx. 17.2m in depth and approx. 5m in height to the eaves and approx. 8.7m in height to the ridge. The rear gardens would have a depth of approx. 12m-13m.

### **Site Area/Density**

Site Area: 0.07hectares (0.18 acres)

Site Density: 21 dph (54 dpa)

### **Relevant Planning History**

None

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Two letters** of representation have been received in support of the application on the following grounds;

- Increase in homes for families
- Good design
- Sufficient parking provided

**Six letters** of representation have been received which object to the application on the following grounds

- Overdevelopment
- Out of character
- Loss of light
- Impact to highways
- Loss of privacy
- Impact to wildlife
- Impact on community services
- Impact during construction period

**Hoo Parish Council** outlined concerns regarding the loss of character within the surrounding homes, loss of privacy to the neighbouring properties and impact to highways

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2018 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The application site lies within the defined village boundary of Hoo St Werburgh as identified on the proposals map to the Medway Local Plan 2003 and as such the proposal falls to be considered against the criteria set out under Local Plan Policy H11. This policy states that unless the site is allocated for housing development in the Local Plan, or an exceptional justification can be made, housing development in the rural area will be restricted to minor development within the confines of the defined village settlement as indicated on the Proposals Map. Paragraph 11d of the NPPF however, supports

proposals for development unless policies within the NPPF provide clear reason for refusal and paragraph 78 promotes sustainable development in rural areas, particularly allowing for villages to grow and thrive.

The construction of 3 dwellings fronting Bells Lane constitutes infill development and is considered to comply with the provisions of Policy H11 of the Local Plan and paragraphs 11d and 78 of the NPPF.

### *Design*

Development Plan Policy places considerable emphasis on the importance of achieving good design to ensure that all new development are appropriate to the shape, size and location of the site. Local Plan Policy BNE1 and paragraphs 124 and 127 of the NPPF seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area.

The application site is currently overgrown. The plot is fairly wide and is within an area where there is a mix of house types and architectural design. The footprint of the proposed development shows fairly narrow properties with a substantial depth to them. However, disguises this as the appearance of the frontage of the terrace includes 3 projecting gable features with the central gable being slightly wider and higher than the two outer gables. This architectural design is considered acceptable. Given the depth of the properties, it is recommended that permitted development rights be removed to ensure that at a later date, there is not continuous development along the boundaries that could potentially harm the amenities of neighbours.

In terms of the street scene, the property at number 153 to the northwest is a two storey dwelling set off of the boundary and the property at number 149 to the southeast is a bungalow. Number 149 has a garage attached to the side which is adjacent to the application site but also set off of the boundary. Therefore despite the proposed development being substantially higher than number 149, given the mixed street scene and that the proposed development is set off of the boundaries with the two adjoining properties, no objection is raised.

Overall, it is considered that the application proposal would provide a good residential development, which would not detrimentally impact the character of the surrounding area and immediate street scene. Therefore the development is considered to conform to paragraphs 124 and 127 of the NPPF and BNE1 of the Local Medway Plan 2003.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127F of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

With regards to privacy, the proposed habitable windows within the first floor are within the front and rear elevations which would only introduce mutual overlooking that already exists in the area. By virtue of the siting of the proposed dwellings within the building line of Bells Lane, the relationship between the proposed dwellings and neighbours habitable room windows, the path of the sun and the orientation of the site, it is considered there would be no detrimental impact on neighbouring amenities of loss of outlook, daylight or sunlight.

Due to the close proximity of the neighbouring properties, there is potential impact from noise and dust during construction, if the application were recommend for approval a condition would be required for Construction Environment Management Plan (CEMP).

### Amenity of Future Occupiers

The proposed dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). Approx. 162sqm is proposed for the end terrace dwellings and approx. 165sqm for the middle terrace dwelling in terms of gross internal floor areas (GIA). All dwellings would exceed the required 112sqm for a four bedroom six person dwelling over three storeys. All double beds and single bedrooms meet the national standards area and width requirements and all habitable rooms would also be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should 10m in depth and 7m when constraints exist. The proposed depth of the proposed development exceeds these depths being between approx. 12m and 13m deep.

Consequently, subject to the suggested conditions, no objections are raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2 and H4 of the Local Plan and paragraph 127F of the NPPF

Given the number of bedrooms proposed and taking account that the proposed dwellings are terraced where additional comings and goings could impact amenity, it is recommended that permitted development rights be removed regarding the change of use from Use Class C3 (dwellinghouse) to Use Class C4 (small HMO).

### *Highways*

Two parking spaces are proposed for each of the 4 bedroom houses this is acceptable and in accordance with Policy T13 of the Local Plan and paragraph 105 of the NPPF.

Concern has been raised with regard to the impact of additional cars (resulting from the development) would have on the area both in terms of traffic and on-street parking provision. Overall, it considered the scheme for additional dwellings will have minimal impact on traffic in the area, and little impact on existing on-street parking availability as

the scheme has proposed sufficient off-street parking for each individual unit. The majority of dwellings in the immediate vicinity benefit from off-street parking.

Overall, the proposed development accords with the provisions set out under Local Plan Policies T1 and T13 of Local Plan and paragraphs 105 and 108 of the NPPF.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and are in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 170, 178 and 179 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### **Conclusions and Reasons for Approval**

The site is within the village confines and as such the principle of the proposed infill development is acceptable. The design of the development is considered acceptable and there would be no cause adverse harm to the occupiers of the adjoining properties. The proposed access and on-site car parking provision would be acceptable. The proposal is considered to be acceptable in line with Policies S6, H11, BNE1, BNE2, BNE35, T1 and T13 of the Medway Local Plan 2003 and Paragraphs 11d, 78, 105, 108, 124, 127, 170, 178 and 179 of the NPPF.

This application would normally be determined under delegated powers however has been referred to the Planning Committee for determination due to the number of letters of representation contrary to the officers recommendation and a letter of representation received from Hoo Parish Council expressing a view contrary to officers recommendation.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>